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December 11, 2008

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

VIA ELECTRONIC FILING

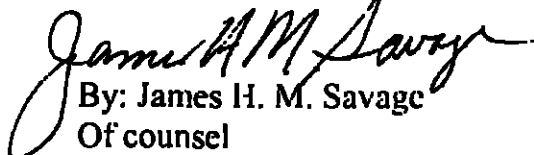
Re: STB Finance Docket No. 35141
U S Rail Corporation – Construction and Operation Exemption –
Brookhaven Rail Terminal

Dear Ms Quinlan,

Petitioner U S Rail Corporation ("U S Rail") hereby submits this request to extend the time for filing its reply to the Town of Brookhaven's pending motion to compel discovery from December 15, 2008 for an additional 30 days to January 15, 2009. The Town consents to this request.

We thank the Board for its time and consideration.

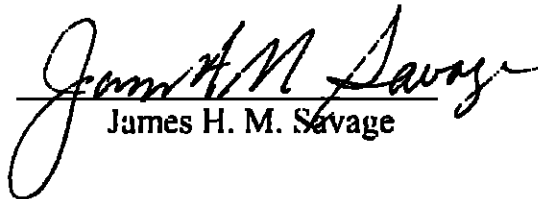
Respectfully submitted,
John D. Heffner, PLLC


By: James H. M. Savage
Of counsel

JHS/mhd
cc: Jessica Driscoll, Esq.
Robert A. Ryback

CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this day by ordinary mail a true copy of the within pleading upon all parties to this matter as per the accompanying service list.


James H. M. Savage

Dated: December 11, 2008

SERVICE LIST

Party of Record: Town of
Brookhaven

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Party of Record: New York
State Department of
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